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Subject: this is what shows for me

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I. General Information

A. Does this action apply to me?

States and tribes that have assumed or are considering assuming the administration of the CWA section 404 dredged or fill permitting program, as well as regulated entities and members of the public may be interested in providing input on the issue described in this document.

B. What should I consider as I prepare my comments?

Submit your comments, identified by Docket ID No. **[Insert the appropriate Docket ID No. that appears at the top of your FR document]**, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the ADDRESSES section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. **[Insert alternate language about the submission of CBI directly to the Program Office, if applicable.]** Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> as there may be a delay in processing mail and faxes. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID-19.

C. How can I participate in the virtual public hearing?

{For Notices with statutory Public Hearing requirements, such as Clean Air Act Permitting Hearings, include a similar introductory paragraph.} Please note that EPA is deviating from its typical approach because the President has declared a national emergency. Because of current CDC recommendations, as well as state and local orders for social distancing to limit the spread of COVID-19, EPA cannot hold in-person public meetings at this time.

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please {use the online registration form available at [insert URL]} or contact [insert EPA contact] at [insert phone and/or email] to register to speak at the virtual hearing. The last day to pre-register to speak at the hearing will be [insert date [X] working days before the hearing date]. On [insert last working day before the hearing], the EPA will post a general agenda for the hearing that will list pre-registered speakers in approximate order at: [insert the epa.gov URL for this rulemaking or public hearing]. EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule. Each commenter will have [X] minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) by emailing it to [insert name of contact]. EPA also recommends submitting the text of your oral comments as written comments to the rulemaking docket. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Please note that any updates made to any aspect of the hearing is posted online at [insert web address]. While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact [insert contact name, phone, email] to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates. If you require the services of a translator or a special accommodations such as audio description, please pre-register for the hearing with [insert name of contact] and describe your needs by [insert date 1 week before the hearing]. EPA may not be able to arrange accommodations without advanced notice.}

The regulations establishing the requirements for the approval of State programs under Section 404 of the CWA were published in Volume 53, No. 108 of the Federal Register, June 6, 1988 (40 CFR Parts 232 and 233), beginning at page 20764.

II. Background

The Clean Water Act (33 U.S.C. Sections 1251 et seq.) established the Section 404 permit program, under which the Secretary of the Army, acting through the Chief of Engineers of the U.S. Army Corps of Engineers (Corps), may issue permits for the discharge of dredged or fill material into "waters of the United States" as identified in the CWA. Section 404(g)(1) of the CWA provides states and tribes the option of submitting to the United States Environmental Protection Agency (EPA) a request to assume administration of the Clean Water Act Section 404 permit program in certain waters within state or tribal jurisdiction. The regulations establishing the requirements for the approval of State programs under Section 404 of the CWA were published in Volume 53, No. 108 of the Federal Register, June 6, 1988 (40 CFR Parts 232 and 233), beginning at page 20764.

-"State regulated waters" are defined in 40 CFR § 232.2 as "